

1 AN ACT in relation to alcoholic liquor.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 6-16 and 8-12 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,
9 representative, agent, or employee of such licensee shall
10 sell, give, or deliver alcoholic liquor to any person under
11 the age of 21 years or to any intoxicated person, except as
12 provided in Section 6-16.1. (ii) No express company, common
13 carrier, or contract carrier that carries or transports
14 alcoholic liquor for delivery within this State shall
15 knowingly give or knowingly deliver to a residential address
16 any shipping container clearly labeled as containing
17 alcoholic liquor and labeled as requiring signature of an
18 adult of at least 21 years of age to any person in this State
19 under the age of 21 years. An express company, common
20 carrier, or contract carrier that carries or transports such
21 alcoholic liquor for delivery within this State shall obtain
22 a signature at the time of the delivery acknowledging receipt
23 of the alcoholic liquor by an adult who is at least 21 years
24 of age. At no time while delivering alcoholic beverages
25 within this State may any representative, agent, or employee
26 of an express company, common carrier, or contract carrier
27 that carries or transports alcoholic liquor for delivery
28 within this State deliver the alcoholic liquor to a
29 residential address without the acknowledgment of the
30 consignee and without first obtaining a signature at the time
31 of the delivery by an adult who is at least 21 years of age.

1 A signature of a person on file with the express company,
2 common carrier, or contract carrier does not constitute
3 acknowledgement of the consignee. Any person who violates
4 this item (ii) of this subsection (a) by delivering alcoholic
5 liquor without the acknowledgement of the consignee and
6 without first obtaining a signature at the time of the
7 delivery by an adult who is at least 21 years of age is
8 guilty of a business offense for which the person shall be
9 fined not more than \$1,001 for a first offense, not more than
10 \$5,000 for a second offense, and not more than \$10,000 for a
11 third or subsequent offense. Each shipment of alcoholic
12 liquor delivered in violation of this item (ii) of this
13 subsection (a) constitutes a separate offense. (iii) No
14 person, after purchasing or otherwise obtaining alcoholic
15 liquor, shall sell, give, or deliver such alcoholic liquor to
16 another person under the age of 21 years, except in the
17 performance of a religious ceremony or service. Except as
18 otherwise provided in item (ii), any person who violates the
19 provisions of item (i), (ii), or (iii) of this paragraph of
20 this subsection (a) is guilty of a Class A misdemeanor and
21 the person's sentence shall include, but shall not be limited
22 to, a fine of not less than \$500.

23 If a licensee or officer, associate, member,
24 representative, agent, or employee of the licensee, or a
25 representative, agent, or employee of an express company,
26 common carrier, or contract carrier that carries or
27 transports alcoholic liquor for delivery within this State,
28 is prosecuted under this paragraph of this subsection (a) for
29 selling, giving, or delivering alcoholic liquor to a person
30 under the age of 21 years, the person under 21 years of age
31 who attempted to buy or receive the alcoholic liquor may be
32 prosecuted pursuant to Section 6-20 of this Act, unless the
33 person under 21 years of age was acting under the authority
34 of a law enforcement agency, the Illinois Liquor Control

1 Commission, or a local liquor control commissioner pursuant
2 to a plan or action to investigate, patrol, or conduct any
3 similar enforcement action.

4 For the purpose of preventing the violation of this
5 Section, any licensee, or his agent or employee, or a
6 representative, agent, or employee of an express company,
7 common carrier, or contract carrier that carries or
8 transports alcoholic liquor for delivery within this State,
9 may refuse to sell, deliver, or serve alcoholic beverages to
10 any person who is unable to produce adequate written evidence
11 of identity and of the fact that he or she is over the age of
12 21 years.

13 Adequate written evidence of age and identity of the
14 person is a document issued by a federal, state, county, or
15 municipal government, or subdivision or agency thereof,
16 including, but not limited to, a motor vehicle operator's
17 license, a registration certificate issued under the Federal
18 Selective Service Act, or an identification card issued to a
19 member of the Armed Forces. Proof that the
20 defendant-licensee, or his employee or agent, or the
21 representative, agent, or employee of the express company,
22 common carrier, or contract carrier that carries or
23 transports alcoholic liquor for delivery within this State
24 demanded, was shown and reasonably relied upon such written
25 evidence in any transaction forbidden by this Section is an
26 affirmative defense in any criminal prosecution therefor or
27 to any proceedings for the suspension or revocation of any
28 license based thereon. It shall not, however, be an
29 affirmative defense if the agent or employee accepted the
30 written evidence knowing it to be false or fraudulent. If a
31 false or fraudulent Illinois driver's license or Illinois
32 identification card is presented by a person less than 21
33 years of age to a licensee or the licensee's agent or
34 employee for the purpose of ordering, purchasing, attempting

1 to purchase, or otherwise obtaining or attempting to obtain
2 the serving of any alcoholic beverage, the law enforcement
3 officer or agency investigating the incident shall, upon the
4 conviction of the person who presented the fraudulent license
5 or identification, make a report of the matter to the
6 Secretary of State on a form provided by the Secretary of
7 State.

8 However, no agent or employee of the licensee or employee
9 of an express company, common carrier, or contract carrier
10 that carries or transports alcoholic liquor for delivery
11 within this State shall be disciplined or discharged for
12 selling or furnishing liquor to a person under 21 years of
13 age if the agent or employee demanded and was shown, before
14 furnishing liquor to a person under 21 years of age, adequate
15 written evidence of age and identity of the person issued by
16 a federal, state, county or municipal government, or
17 subdivision or agency thereof, including but not limited to a
18 motor vehicle operator's license, a registration certificate
19 issued under the Federal Selective Service Act, or an
20 identification card issued to a member of the Armed Forces.
21 This paragraph, however, shall not apply if the agent or
22 employee accepted the written evidence knowing it to be false
23 or fraudulent.

24 Any person who sells, gives, or furnishes to any person
25 under the age of 21 years any false or fraudulent written,
26 printed, or photostatic evidence of the age and identity of
27 such person or who sells, gives or furnishes to any person
28 under the age of 21 years evidence of age and identification
29 of any other person is guilty of a Class A misdemeanor and
30 the person's sentence shall include, but shall not be limited
31 to, a fine of not less than \$500.

32 Any person under the age of 21 years who presents or
33 offers to any licensee, his agent or employee, any written,
34 printed or photostatic evidence of age and identity that is

1 false, fraudulent, or not actually his or her own for the
2 purpose of ordering, purchasing, attempting to purchase or
3 otherwise procuring or attempting to procure, the serving of
4 any alcoholic beverage, who falsely states in writing that he
5 or she is at least 21 years of age when receiving alcoholic
6 liquor from a representative, agent, or employee of an
7 express company, common carrier, or contract carrier, or who
8 has in his or her possession any false or fraudulent written,
9 printed, or photostatic evidence of age and identity, is
10 guilty of a Class A misdemeanor and the person's sentence
11 shall include, but shall not be limited to, the following: a
12 fine of not less than \$500 and at least 25 hours of community
13 service. If possible, any community service shall be
14 performed for an alcohol abuse prevention program.

15 Any person under the age of 21 years who has any
16 alcoholic beverage in his or her possession on any street or
17 highway or in any public place or in any place open to the
18 public is guilty of a Class A misdemeanor. This Section does
19 not apply to possession by a person under the age of 21 years
20 making a delivery of an alcoholic beverage in pursuance of
21 the order of his or her parent or in pursuance of his or her
22 employment.

23 (a-1) It is unlawful for any parent or guardian to
24 permit his or her residence to be used by an invitee of the
25 parent's child or the guardian's ward, if the invitee is
26 under the age of 21, in a manner that constitutes a violation
27 of this Section. A parent or guardian is deemed to have
28 permitted his or her residence to be used in violation of
29 this Section if he or she knowingly authorizes, enables, or
30 permits such use to occur by failing to control access to
31 either the residence or the alcoholic liquor maintained in
32 the residence. Any person who violates this subsection (a-1)
33 is guilty of a Class A misdemeanor and the person's sentence
34 shall include, but shall not be limited to, a fine of not

1 less than \$500. Nothing in this subsection (a-1) shall be
2 construed to prohibit the giving of alcoholic liquor to a
3 person under the age of 21 years in the performance of a
4 religious ceremony or service.

5 (b) Except as otherwise provided in this Section whoever
6 violates this Section shall, in addition to other penalties
7 provided for in this Act, be guilty of a Class A misdemeanor.

8 (c) Any person shall be guilty of a Class A misdemeanor
9 where he or she knowingly permits a gathering at a residence
10 which he or she occupies of two or more persons where any one
11 or more of the persons is under 21 years of age and the
12 following factors also apply:

13 (1) the person occupying the residence knows that
14 any such person under the age of 21 is in possession of
15 or is consuming any alcoholic beverage; and

16 (2) the possession or consumption of the alcohol by
17 the person under 21 is not otherwise permitted by this
18 Act; and

19 (3) the person occupying the residence knows that
20 the person under the age of 21 leaves the residence in an
21 intoxicated condition.

22 For the purposes of this subsection (c) where the
23 residence has an owner and a tenant or lessee, there is a
24 rebuttable presumption that the residence is occupied only by
25 the tenant or lessee.

26 (d) Any person who rents a hotel or motel room from the
27 proprietor or agent thereof for the purpose of or with the
28 knowledge that such room shall be used for the consumption of
29 alcoholic liquor by persons under the age of 21 years shall
30 be guilty of a Class A misdemeanor.

31 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;
32 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.
33 8-13-98.)

1 (235 ILCS 5/8-12) (from Ch. 43, par. 164 3/4)

2 Sec. 8-12. It shall be the duty of every railroad
3 company, express company, common or contract carrier, and of
4 every person, firm or corporation that shall bring, carry or
5 transport alcoholic liquors into the State of Illinois for
6 delivery in said State or which are delivered in said State,
7 to prepare and file with the Department of Revenue for each
8 month, not later than the fifteenth day of the month
9 following that for which it is made, a report stating therein
10 the name of the company, carrier, person, firm or corporation
11 making the report, the address in Illinois at which the
12 records supporting such report are kept and are open to
13 inspection, the period of time covered by said report, the
14 name and business address of each consignor of such alcoholic
15 liquors, the name and business address of each consignee of
16 such alcoholic liquors, the kind and quantity of alcoholic
17 liquors delivered to each consignee, and the date or dates of
18 delivery. Such report shall be made upon forms prescribed and
19 made available by the Department and shall contain such other
20 information as may reasonably be required by the Department.
21 The Department may establish procedures for electronic
22 transmissions of such information directly to the Department.
23 Such reports or information received by the Department shall
24 be made available by the Department to the Commission upon
25 the Commission's request.

26 In addition to any other reporting requirement imposed
27 under this Section, reports shall be filed for shipments to
28 end consumers in this State. In furtherance of this
29 requirement, it shall be the duty of every railroad company,
30 express company, common or contract carrier, person, firm, or
31 corporation that brings, carries, or transports alcoholic
32 liquor into Illinois for delivery in Illinois to prepare and
33 file with the Department for each month, not later than the
34 fifteenth day of the month following the month during which

1 the delivery is made, a report containing the name of the
2 company, carrier, person, firm, or corporation making the
3 report, the address in Illinois at which the records
4 supporting the report are kept and are open to inspection,
5 the period of time covered by the report, the name and
6 business address of each consignor of the alcoholic liquor,
7 the name and the address of each consignee, and the date of
8 delivery. Such reports shall be made upon forms prescribed
9 and made by the Department and shall contain any other
10 information that the Department may reasonably require. Such
11 reports or information received by the Department shall be
12 made available by the Department to the State Commission upon
13 the State Commission's request.

14 The books, records, supporting papers and documents
15 containing information and data relating to such reports
16 shall be kept and preserved for a period of three years,
17 unless their destruction sooner is authorized, in writing, by
18 the Director, and shall be open and available to inspection
19 by the Director of Revenue or the Commission or any duly
20 authorized officer, agent or employee of the Department or
21 the Commission, at all times during business hours of the
22 day.

23 Any person who violates any of the provisions of this
24 section or any of the rules and regulations of the Department
25 for the administration and enforcement of the provisions of
26 this section is guilty of a Class C misdemeanor. In case of a
27 continuing violation each day's continuance thereof shall be
28 a separate and distinct offense.

29 (Source: P.A. 90-739, eff. 8-13-98.)